

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Case No.: 2:18-cv-02261-JAD-DJA

Z.T., a minor, by CRISTY THOMAS, his
Guardian, and CRISTY THOMAS,

Plaintiffs

v.

Assurity Life Insurance Company,

Defendant

**Order Dismissing Action
for Want of Prosecution**

On June 8, 2021, the Court entered an order advising that his case would be dismissed for want of prosecution if no action was taken by July 8, 2021.¹ Plaintiffs filed nothing. District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.³ In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁴

The first two factors, the public’s interest in expeditiously resolving this litigation and the court’s interest in managing its docket, weigh in favor of dismissal. The third factor, risk of

¹ ECF No. 36 (notice regarding intent to dismiss for want of prosecution).

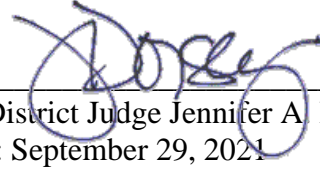
² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ *See Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24.

1 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
2 from the occurrence of unreasonable delay in filing a pleading ordered by the court or
3 prosecuting an action.⁵ A court's warning to a party that its failure to obey the court's order will
4 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement,⁶ and
5 that warning was given here.⁷ The fourth factor—the public policy favoring disposition of cases
6 on their merits—is greatly outweighed by the factors favoring dismissal.

7 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
8 prejudice for want of prosecution. The Clerk of Court is directed to CLOSE THIS CASE.

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11 U.S. District Judge Jennifer A. Dorsey
12 Dated: September 29, 2021
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25 ⁵ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

26 ⁶ *Henderson*, 779 F.2d at 1424.

27 ⁷ ECF No. 36.
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